

AN ACT TO CONFORM THE GUAM WAGE AND HOUR LAW TO CHANGES IN THE FEDERAL FAIR LABOR STANDARDS ACT REGULATIONS BY AMENDING TITLE 22 G.C.A. 3108(b), BY REPEALING THE FIRST FOUR SUBSECTIONS OF RULE ONE OF E.O. 61-14 AND THEIR CORRESPONDING SECTIONS IN TITLE 17 G.A.R. 4101, DEEMING TITLE 17 G.A.R., DIVISION 1, CHAPTER 4 AMENDED TO CONFORM TO FEDERAL REGULATIONS ON WAGE AND HOUR ISSUES AND ALSO TO REQUIRE THE DIRECTOR OF LABOR TO POST SAID LAWS ON THE DOL WEBSITE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title 22 G.C.A. 3108(b) is amended to read: 3108(b)(1) Any employee who is employed in a bona fide executive capacity, which is any employee who is compensated on a salary or fee basis at a rate of not less than Four Hundred Fifty-five Dollars (\$455.00) per week and whose primary duty is management of the enterprise where the employee is employed or of a recognized department thereof; who customarily and regularly directs the work of two (2) or more other employees; and who has the authority to hire or fire other employees or whose suggestions and recommendations as to hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight.

(2) Any employee who is employed in a bona fide administrative capacity, which is any employee who is compensated on a salary or fee basis at a rate of not less than Four Hundred and Fifty-five Dollars (\$455.00) per week and whose primary duty is the performance of office or non-manual work directly related to the management of the general business operations of the employer or the employer's customers, and whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(3) Any employee who is employed in a bona fide professional capacity, which is any employee who is compensated on a salary or fee basis at a rate of not less than Four Hundred Fifty-five Dollars (\$455.00) per week and whose primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. It shall also include computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field.

(4) Any employee who is employed as an outside salesperson, which is an employee who is employed for the purpose of and who is customarily and regularly engaged away from the employer's place of business in making sales or obtaining orders or contracts for services or the use of facilities for which a consideration will be paid by the client or customer.

(5) Any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed in this activity as a teacher in an educational establishment."

Section 2. Subsections A, B, C and D of Rule 1 in Executive Order 6 1 - 14 are repealed.

Section 3. Title 17 G.A.R §4101 (a), (b), (c) and (d) are repealed.

Section 4. Title 17 G.A.R., Division 1, Chapter 4 is hereby deemed amended to conform to Part 541 of Subchapter A of Chapter V of Subtitle B of Title 29 C.F.R., also cited as Title 29 C.F.R. §541, et seq.

Section 5. A new §3 109.1 is added to Title 22 G.C.A. to read: "§3109.1. Publishing Applicable Laws. The Director of Labor shall post on the Department's internet website Title 22 G.C.A. §3 108 and Title 17 G.A.R., Division 1, Chapter 4, as amended herein."

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